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Note verbale dated 6 December 2018 from the Permanent Mission of Portugal to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Portugal to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit herewith its report on the implementation of Security Council resolution 2375 (2017) (see annex).

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Annex to the note verbale dated 6 December 2018 from the Permanent Mission of Portugal to the United Nations addressed to the Chair of the Committee

Report of Portugal on the implementation of Security Council resolution 2375 (2017)

I. Introduction

The Government of Portugal is committed to implementing Security Council resolution 2375 (2017) and all previous Council sanctions resolutions on the Democratic People's Republic of Korea, namely, resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017) and 2371 (2017), as well as to fully cooperating with the Security Council Committee established pursuant to resolution 1718 (2006).

Portugal has taken the legislative and executive measures necessary to implement all Security Council sanctions resolutions on the Democratic People's Republic of Korea.

Portugal, as a member of the European Union, has also implemented the restrictive measures imposed in the Security Council sanctions resolutions, following the integration of those measures into the European Union legal order and the corresponding European Union decisions and regulations.

II. Background

Article 8 (3) of the Constitution of the Portuguese Republic provides for the direct integration into the Portuguese legal framework of measures adopted by the competent bodies of international organizations, including the Security Council, provided that a provision to that effect is laid down in the respective constituent treaties. Therefore, sanctions designations pursuant to resolution 2375 (2017) and previous resolutions are directly applicable in Portugal.

Security Council resolutions are transposed into the Portuguese legal framework through decisions and regulations of the Council of the European Union. In accordance with European Union law, such decisions and regulations take immediate and direct effect in all national laws of States members of the European Union. The regulations have general application and are binding in their entirety on European Union citizens and businesses. Moreover, the decisions are binding in their entirety on those to which they are addressed, that is, all European Union member States (article 288 of the Treaty on the Functioning of the European Union). All European Union restrictive measures are published in the *Official Journal of the European Union*.

III. Measures taken to implement resolution 2375 (2017)

Portugal and the other States members of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed under resolution 2375 (2017) by taking the following common measures:

(a) Council Implementing Decision (CFSP) 2017/1573 of 15 September 2017 implementing Decision (CFSP) 2016/849 concerning restrictive measures against the

Democratic People's Republic of Korea, which implements the designation of additional persons and entities (travel ban and asset freeze);

(b) Council Implementing Regulation (EU) 2017/1568 of 15 September 2017 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea, which gives effect to Council Implementing Decision (CFSP) 2017/1573;

(c) Council Decision (CFSP) 2017/1838 of 10 October 2017 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea, which sets out the commitment of the European Union to implementing the measures contained in resolution 2375 (2017) in the following manner:

(i) Trade ban on dual-use items related to weapons of mass destruction adopted by the Committee (paragraph 4 of resolution 2375 (2017));

(ii) Trade ban on items related to conventional arms adopted by the Committee (paragraph 5 of resolution 2375 (2017));

(iii) Prohibition for vessels designated by the Committee to enter member States' ports (paragraph 6 of resolution 2375 (2017));

(iv) Obligation for member States that are flag States and that do not consent to the inspection of a vessel on the high seas to direct the vessel to proceed to an appropriate and convenient port for the required inspection;

(v) Deregistration of vessels designated by the Committee (paragraph 8 of resolution 2375 (2017));

(vi) Obligation for member States to submit a report to the Committee when a flag State does not cooperate with regard to inspections;

(vii) Prohibition on facilitating or engaging in ship-to-ship transfers to or from flagged vessels of the Democratic People's Republic of Korea of any goods or items that are being supplied, sold or transferred to or from the Democratic People's Republic of Korea;

(viii) Prohibition on exporting condensates and natural gas liquids to the Democratic People's Republic of Korea;

(ix) Prohibition on exporting refined petroleum products to the Democratic People's Republic of Korea. The prohibition does not apply if the conditions mentioned in paragraph 14 of resolution 2375 (2017) are met;

(x) Prohibition on exporting an amount of crude oil that exceeds the amount that the member State exported in the 12 months prior to 11 September 2017. The Committee may grant an exemption on a case-by-case basis and under certain conditions;

(xi) Prohibition on importing textiles from the Democratic People's Republic of Korea. The prohibition does not apply if the conditions mentioned in paragraph 16 of resolution 2375 (2017) are met. The Committee may also grant an exemption on a case-by-case basis;

(xii) Prohibition on providing work authorizations for nationals of the Democratic People's Republic of Korea in the jurisdiction of member States in connection with admission to their territories. The Committee may grant an exemption on a case-by-case basis under certain conditions;

(xiii) Prohibition on opening, maintaining and operating joint ventures, unless approved by the Committee on a case-by-case basis, and obligation to close existing joint ventures;

(xiv) Obligation to seize and dispose of items the export of which is prohibited under resolution 2375 (2017);

(d) Council Regulation (EU) 2017/1836 of 10 October 2017 amending Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea, which gives effect to the measures set out in Council Decision (CFSP) 2017/1838.

The above-mentioned Council regulations are binding in their entirety and directly applicable in all European Union member States. Under Council Regulation (EU) 2017/1509, member States are required to determine the penalties applicable in case of infringements of their provisions.

IV. Information from Portuguese authorities

The application and implementation of Security Council sanctions and the corresponding European Union restrictive measures are regulated by Law No. 97/2017, of 23 August 2017. The law refers to national competent authorities which are responsible for coordinating the implementation of restrictive measures and for providing information on the subject. More specifically, the national competent authorities disseminate updates to Council resolutions and European Union legal acts concerning restrictive measures, in order to ensure the effective implementation of such measures.

No violation or suspicion of violation of resolution 2375 (2017) has been reported by the Ministry of Defence, the Ministry of Home Affairs, the Ministry of Economy, the Ministry of Finance, the Bank of Portugal or any other entity, whether private or public, responsible for the concrete implementation of restrictive measures.